

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Amendment of Parts 73 and 74 of)	MB Docket No. 03-185
the Commission's Rules to Establish)	
Rules for Digital Low Power Television,)	
Television Translator, and Television)	
Booster Stations and to Amend Rules)	
for Digital Class A Television Stations)	

COMMENTS OF THE TRINITY BROADCASTING NETWORK

Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network
("Trinity"), by its attorney, hereby respectfully submits the following comments in the captioned proceeding:

1. On September 17, 2010, the Commission released a *Further Notice of Proposed Rulemaking and Memorandum Opinion and Order* (MB Docket No. 03-185) ("FNPRM")¹ seeking comments on the final process to govern the analog-to-digital transition of low power television (LPTV), TV translators, and television booster stations. The Commission highlighted the following issues (FNPRM, ¶ 2):

(1) whether to adopt a hard deadline during 2012 for the termination of analog low power television facilities; (2) whether to require existing analog and digital low power television stations in the 700 MHz band (channels 52-69) to cease operations by a date certain and to submit displacement applications or discontinue operations altogether; (3) whether to delegate to the Media Bureau the authority to establish time frames and procedures for stations "flash cutting" to digital on their existing analog channels and for those operating digital companion channels to return one of their channels; (4) whether to widen the class of low power television broadcasters subject to the Commission's ancillary and supplementary fee rules; (5) whether to modify the Commission's minor change rule so that it covers a proposed change in a low power television station's

¹ 75 Fed. Reg. 63766 (October 18, 2010)

transmitter site of up to 30 miles (48 kilometers) from the reference coordinates of the station's transmitting antenna; (6) whether to revise the vertical antenna patterns used in the prediction methodology for the low power television services; and (7) whether to allow low power television stations to use the emission mask used by full power television stations.

2. As the Commission's records reflect, Trinity is one of the largest licensees of TV translator / LPTV facilities in the country.² Trinity is also donating over 150 LPTV facilities to the Minority Media and Telecommunications Council to help empower and create opportunity and training for minority and disenfranchised communities.³ Its comments are directed to the proposed transition date for analog LPTV stations, and whether a transition date in the summer of 2012 is practical and in the public interest, or as asked in the National Broadband Plan (page 92, <http://www.broadband.gov/plan/>) ("NBP"), "should [the Commission] establish a deadline to achieve the DTV transition of low-power TV [] stations by the end of 2015 or after the reallocation of spectrum from the broadcast TV bands is complete" (footnote omitted).

3. Trinity believes that the position stated in the NBP, calling for a transition deadline that is "after the reallocation of spectrum from the broadcast TV bands is complete" (but not before the end of 2015), is the only practicable one to follow. This time-frame is necessary to accommodate the unique secondary service status of LPTV facilities which allows any full power station changing channels to preempt or displace an LPTV operation on the desired channel. Without sufficient time to first allow the impact of any frequency recapture (the NBP proposes the recapture of 120MHZ) and subsequent channel re-packing to be worked out, LPTV operators are vulnerable to having to make multiple channel changes (or displacements) before

² *Broadcasting & Cable* rates Trinity as the 6th largest group television owner in 2010. http://www.broadcastingcable.com/article/451325-B_C_s_Top_25_Station_Groups_2010.php (last visited 4-21-10)

³ BALTT-20100914AAQ, et seq.

an end channel can be finally determined. The enormous costs associated with making such multiple channel moves would, in Trinity's view, completely undermine LPTV operations, make it too risky and expensive, and ultimately deny the public access to the free-broadcast service and choice LPTV service provides (especially to smaller, and under-served communities).

4. Moreover, implementing an analog-to-digital transition deadline before the reallocation of spectrum from the broadcast TV bands is complete, will compound the considerable set-back that occurred when, during the full-power analog-to-digital conversion, the National Telecommunications and Information Administration failed to initially require that all converter boxes carry analog LPTV signals. This caused LPTV stations to lose most of their audience after the full-power DTV conversion in June 2009. Forcing LPTV stations to now transition to digital before the Commission's spectrum reallocation policies are completed would be a second blow from which LPTV stations simply could not recover.

5. The FNPRM (at ¶ 9) notes that the Commission "seek[s] to ensure the continued viability of low power television stations that have been recognized as offering important services to specialized and minority audiences, foreign language communities, and rural areas." Establishing an analog-to-digital transition deadline that falls after the reallocation of spectrum from the broadcast TV bands is complete (and not before the end of 2015) is necessary to "ensure [that] continued viability." In addition, after spectrum is reallocated in fulfillment of the NBP, current LPTV broadcasters should also be given the flexibility to participate in any voluntary incentive auctions (should Congress authorize them) for wireless broadband. This would not only help ease reallocation and re-packing, but would afford LPTV stations alternative ways of obtaining access to capital to help maintain service (especially to under-served, minority, and disenfranchised communities).

6. LPTV stations are an important and integral part of the free-broadcast service and have historically been able to do a lot with a little. Spectrum management policies must recognize the value of the diverse and innovative services and offerings being provided and developed by LPTV broadcasters. Such policies should not deprive the public of the services and offerings being provided by LPTV stations, or by their loss of service to the public, force the public to pay for similar services being provided by competing providers, such as cable, satellite, or wireless services (sometime in the future). Establishing an analog-to-digital transition deadline before the reallocation of spectrum from the broadcast TV bands is complete (and not before the end of 2015) would not only be unfortunate, but may be inconsistent with constitutional values and historically important communications policies. More than sixty years ago, the Supreme Court noted that the First Amendment's "assumption that the widest possible dissemination of information from diverse and antagonistic sources" promotes a free society. *Associated Press v. United States*, 326 U.S. 1, 20 (1945). More recently, in *Turner Broadcasting System, Inc. v. FCC*, 520 U.S. 180, 189 (1997), the Court noted that "promoting the widespread dissemination of information from a multiplicity of sources" is an important government interest, and a core First Amendment value. As Justice Kennedy's opinion for the Court explained:

We have noted that it has long been a basic tenet of national communications policy that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public. [I]ncreasing the number of outlets for community self-expression represents a long established regulatory goal in the field of television broadcasting.

520 U.S. at 192-93 (citations and internal quotation marks omitted).

To continue advancing these First Amendment values, and preserving a diversity of services to the public, LPTV stations should be afforded the longest period of transition possible. The Commission is in the unique position of being able to afford LPTV stations the opportunity

to work through this difficult (and expensive) transition (in a very difficult financial environment) without compromising any of the Commission's (or NBP's) goals. Accordingly, Trinity believes establishing the deadline for the LPTV analog-to-digital transition after the reallocation of spectrum from the broadcast TV bands is complete (and not before the end of 2015) is necessary to ensure the continued viability of the LPTV service.

Respectfully submitted,

**TRINITY CHRISTIAN CENTER OF
SANTA ANA, INC.**

By: _____

Colby M. May
Its Attorney

Colby M. May, Esq., P.C.
205 3rd Street, SE
Washington, D.C. 20003
202-544-5171
202-544-5172 fax

December 17, 2010